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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/062,798

Filing Date

Jan. 31, 2002

First Named Inventor

JACK J. JOHNSON

Art Unit

3624

Examiner Name

R.C. WEISBERGER

Attorney Docket Number

# 33472/1

| ENCLOSURES (Check all that apply)  |  |  |  |
|--|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please Identify below): |  |
| <input type="checkbox"/> Remarks<br><br><i>5th PRELIMINARY AMENDMENT</i>   |  |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                        |          |   |
|--------------|------------------------|----------|---|
| Firm Name    | JACK J. JOHNSON        |          |   |
| Signature    | <i>Jack J. Johnson</i> |          |   |
| Printed name | JACK J. JOHNSON        |          |   |
| Date         | OCTOBER 21, 2002       | Reg. No. | — |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |      |  |  |
|-----------------------|------|--|--|
| Signature             |      |  |  |
| Typed or printed name | Date |  |  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

*J*

## Complete if Known

|                      |                 |
|----------------------|-----------------|
| Application Number   | 10/062,798      |
| Filing Date          | JAN. 31, 2002   |
| First Named Inventor | JACK T. JOHNSON |
| Examiner Name        | R-C WEISBERGER  |
| Art Unit             | 3624            |
| Attorney Docket No.  | #33472/1        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number  
  
 Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity      | Small Entity  | Fee Description        | Fee Paid             |
|-------------------|---------------|------------------------|----------------------|
| Fee Code (\$)     | Fee Code (\$) |                        |                      |
| 1001 790          | 2001 395      | Utility filing fee     | <input type="text"/> |
| 1002 350          | 2002 175      | Design filing fee      | <input type="text"/> |
| 1003 550          | 2003 275      | Plant filing fee       | <input type="text"/> |
| 1004 790          | 2004 395      | Reissue filing fee     | <input type="text"/> |
| 1005 160          | 2005 80       | Provisional filing fee | <input type="text"/> |
| SUBTOTAL (1) (\$) |               |                        | <input type="text"/> |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims | Fee from below   | Fee Paid             |
|--------------------|--------------|--|----------------------|
| Total Claims       | 138          | -20** = <input type="text"/> X <input type="text"/> = <input type="text"/> | <input type="text"/> |
| Independent Claims | 17           | - 3** = <input type="text"/> X <input type="text"/> = <input type="text"/> | <input type="text"/> |
| Multiple Dependent |              | <input type="text"/> = <input type="text"/>                                | <input type="text"/> |

| Large Entity      | Small Entity  | Fee Description  |
|-------------------|---------------|--|
| Fee Code (\$)     | Fee Code (\$) |  |
| 1202 18           | 2202 9        | Claims in excess of 20                                     |
| 1201 88           | 2201 44       | Independent claims in excess of 3                          |
| 1203 300          | 2203 150      | Multiple dependent claim, if not paid                      |
| 1204 88           | 2204 44       | ** Reissue independent claims over original patent         |
| 1205 18           | 2205 9        | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) |               | <input type="text"/>                                       |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity  | Small Entity  | Fee Description  | Fee Paid             |
|---------------|---------------|--|----------------------|
| Fee Code (\$) | Fee Code (\$) |  |                      |
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  | <input type="text"/> |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     | <input type="text"/> |
| 1053 130      | 1053 130      | Non-English specification  | <input type="text"/> |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            | <input type="text"/> |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     | <input type="text"/> |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        | <input type="text"/> |
| 1251 110      | 2251 55       | Extension for reply within first month                                     | <input type="text"/> |
| 1252 430      | 2252 215      | Extension for reply within second month                                    | <input type="text"/> |
| 1253 980      | 2253 490      | Extension for reply within third month                                     | <input type="text"/> |
| 1254 1,530    | 2254 765      | Extension for reply within fourth month                                    | <input type="text"/> |
| 1255 2,080    | 2255 1,040    | Extension for reply within fifth month                                     | <input type="text"/> |
| 1401 340      | 2401 170      | Notice of Appeal   | <input type="text"/> |
| 1402 340      | 2402 170      | Filing a brief in support of an appeal                                     | <input type="text"/> |
| 1403 300      | 2403 150      | Request for oral hearing   | <input type="text"/> |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              | <input type="text"/> |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   | <input type="text"/> |
| 1453 1,370    | 2453 685      | Petition to revive - unintentional   | <input type="text"/> |
| 1501 1,370    | 2501 685      | Utility issue fee (or reissue)   | <input type="text"/> |
| 1502 490      | 2502 245      | Design issue fee   | <input type="text"/> |
| 1503 660      | 2503 330      | Plant issue fee  | <input type="text"/> |
| 1460 130      | 1460 130      | Petitions to the Commissioner  | <input type="text"/> |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  | <input type="text"/> |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  | <input type="text"/> |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) | <input type="text"/> |
| 1809 790      | 2809 395      | Filing a submission after final rejection (37 CFR 1.129(a))                | <input type="text"/> |
| 1810 790      | 2810 395      | For each additional invention to be examined (37 CFR 1.129(b))             | <input type="text"/> |
| 1801 790      | 2801 395      | Request for Continued Examination (RCE)                                    | <input type="text"/> |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  | <input type="text"/> |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

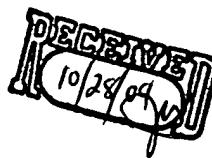
(Complete if applicable)

|                   |                        |                                   |      |                        |
|-------------------|------------------------|-----------------------------------|------|------------------------|
| Name (Print/Type) | JACK T. JOHNSON        | Registration No. (Attorney/Agent) | —    | Telephone 973-410-1500 |
| Signature         | <i>Jack T. Johnson</i> |                                   | Date | Oct. 21, 2004          |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**OFFICIAL**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Serial No.: 10/062,798  
Filed: 01/31/2002

Examiner: R. C. Weisberger  
Art Unit: 3624

**TITLE: BIDDING FOR ENERGY SUPPLY**

**INVENTORS:** Jack J. Johnson, Summit, NJ  
William F. Coyle, Summit, NJ

Docket #33472/1

Commissioner of Patents and Trademarks  
Washington, DC 20231

**FIFTH PRELIMINARY AMENDMENT**

Dear Sir:

Please enter the subject matter presented below prior to initial examination of the above-entitled application.

**CERTIFICATION**

Applicants hereby certify that the Amendments presented below are fully supported in the Application, as originally filed, and do not introduce any New Matter.

**Amendments to the Claims** are reflected in the full listing of claims, which begins on Page 3 of this paper. Six previously-filed dependent claims are being cancelled and six new dependent claims are being added at the end of the listing, resulting in no change in the total number of claims in this application. No other previously-filed claims are being modified or amended in this paper.

**Amendments to the Specification** are reflected on page 2 of this paper.

**Remarks** begin on Page 38 of this paper.